

REMARKS

The Official Action of May 17, 2006 has been carefully considered and reconsideration of the application as amended is respectfully requested.

Claim 14 has been rewritten in independent form as new Claim 40, reciting that the microencapsulated pigment of the claimed ink is produced by the process recited in Claim 1. New independent Claim 41 has been added with recitations that correspond with the recitations in Claim 40, except that the microencapsulated pigment of this ink is produced by the process recited in Claim 2. New dependent Claims 41 and 49 have been added with recitations that correspond with the recitations in original Claim 12. New dependent Claims 42-45, 50-53, 56-59 and 62-65 have been added with recitations that correspond with the recitations in original Claims 20-22 and 25 respectively. New dependent Claims 46-47, 54-55, 60-61 and 66-67 have been added with recitations that draw support from the specification as filed at, for example, page 28, lines 14-17 and the paragraph bridging pages 33-34.

All claims in the application as amended are respectfully believed to be free of the objections and rejections raised in paragraphs 2-4 of the Official Action, and the claims are otherwise believed to be sufficiently definite to satisfy the dictates of 35 USC 112, second paragraph.

Certain of the claims stand rejected under 35 USC 102 (b) or (e) as allegedly being anticipated by the references cited at paragraphs 6-8 of the Official Action. Certain claims stand rejected under 35 USC 103(a) as allegedly being unpatentable over the references cited at paragraphs 10-15 of the Official Action. Applicant respectfully traverses these rejections.

The claimed invention is based at least in part upon Applicant's finding that the use of a wet pigment in the process for producing the claimed ink enables the attainment of a smaller average particle size of the pigment, which in turn leads to an ink having excellent dispersibility, dispersion stability and ejection stability and also increased print density as compared with an ink formed with a dried pigment. This is discussed, for example, in the specification in the paragraph bridging pages 33-34. The result-effective nature of this variable is shown in the Examples in the specification, as discussed below. For purposes of this discussion, Applicant respectfully notes that the term "wet pigment" is defined in the paragraph bridging pages 28-29 of the specification as follows:

"In general, a pigment is synthesized through various reactions, and finally dried to form a powder. The 'wet pigment' used in the invention is a pigment containing water before drying."

In the Examples, the microencapsulated pigment "MCP2" is prepared using a wet magenta pigment, C.I. Pigment Red 122, having a water content of 60% (see specification at pages 85-86). In contrast, the microencapsulated pigment "MCP11" is prepared using a commercially available dry magenta pigment, C.I. Pigment Red 122, HOSTPERM PINK EB TRANS (see specification at page 104). The dispersion of "MCP2" has a number average particle size of about 300 nm (specification at page 86, line 15) whereas the dispersion of "MCP11" has an average particle size of about 7 μ m (specification at page 105, line 6). The MCP2 dispersion is incorporated into the ink of Example 4 (see Table 2 on page 112) whereas the MCP11 dispersion is incorporated into the ink of Comparative Example 27 (see Table 6 on page 117). Although there are other differences in the respective compositions, the results of the evaluations for which the inks were tested (see Tables 7 and 9 on pages 129 and 131 respectively) suggest the result-effective nature of the use of the wet versus the dry pigment. (Note: as discussed on page 133, it was impossible to

print the ink of Comparative Example 27 with an ink jet printer because the microencapsulated pigment MCP11 had a particle size of 7 μm .)

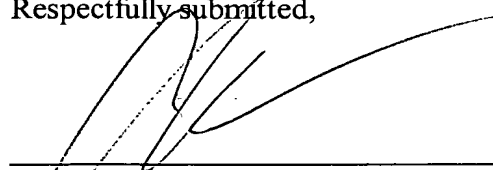
In each of the 102 rejections, the Examiner relies upon Bauer to show that the cited primary references inherently meet the claimed limitation of a "wet pigment". Specifically, the Examiner contends that Pigment Red 122 is well known to be a wet pigment as evidenced by Bauer (paragraph 66). Applicant respectfully submits that the Examiner's contention is not well-founded because the term "Pigment Red 122" does not necessarily refer to a "wet pigment" and indeed it may be a dried pigment (see discussion above), and generally is. Accordingly, there is respectfully no basis for the Examiner to contend that Bauer shows that the claimed feature of a "wet pigment" is inherently present in the cited primary references. See MPEP 2131.01(III) ("To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is **necessarily** present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Emphasis supplied.).

With respect to the rejections under 35 USC 103(a), none of the cited references shows or suggests the smaller average particle size of the particles formed with use of the recited wet pigment or the result effective nature of this variable. Accordingly, there would be nothing, in the absence of the hindsight provided by the present specification, to motivate one of skill in the art to modify any of the primary references to arrive at an ink with such smaller average particle size. There is a *fortiori* nothing in the cited references that would show or suggest the advantageous effects resulting therefrom (see discussion above).

In view of the above, Applicant respectfully submits that all rejections and objections of record have been overcome and that the application is now in allowable form.

An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,



CLIFFORD J. MASS
LADAS & PARRY LLP
26 WEST 61ST STREET LLP
NEW YORK, N.Y. 10023
REG.NO.30,086(212)708-1890